

ORDINANCE 05-16

AN ORDINANCE TO AMEND THE ZONING ORDINANCE #04-09, OF THE TOWN OF NOLENSVILLE, TENNESSEE

WHEREAS, the Town of Nolensville enacted Zoning Ordinance 04-09 in 2004. Prior to the enactment of 04-09, the Town enacted Ordinance #98-22 in 1998 which amended the initial zoning ordinance of the Town of Nolensville. Subsequent amendments have been enacted prior to the enactment of Ordinance 04-09; and

WHEREAS, The Town of Nolensville Planning Commission met on June 9, 2005, and discussed the possible revision to the Urban Residential zoning district in order to improve upon the objectives of this district;

WHEREAS, the Town of Nolensville Planning Commission has recommended certain amendments to the Nolensville Board of Mayor and Aldermen,

WHEREAS, the Board of Mayor and Aldermen have conducted a public hearing on _____, 2005, thereon; and

WHEREAS, The Board of Mayor and Aldermen believe it is in the best interest of the citizens and residents of the Town to enact certain amendments to the Urban Residential zoning district;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD AND MAYOR AND ALDERMAN, that Zoning Ordinance 04-09 of the Town of Nolensville is amended by revising said ordinance as follows:

SECTION 1:

Article 2.2.4 Urban Residential is amended as follows:

Delete the second sentence which reads as follows,

Primary permitted uses include single-family detached homes on lots between 7,000 and 10,000 square feet and attached or high-density detached senior housing.

And replace the second sentence with the following sentences:

All development under the UR district will be required to be approved as a UR/Planned Development that follows an approved detailed development plan and must obtain approval from Town of Nolensville Planning Commission and the Board of Mayor and Aldermen. The maximum density for single family detached housing is 4 units/acre with a minimum lot size of **8,000** square feet. The maximum density for attached housing is **4** units/acre. The minimum open space requirements shall be 10% of the total tract.

Delete the Bulk Regulations which reads as follows,

<u>BULK REGULATIONS – Urban Residential (UR)</u>		
	<u>SFD</u>	<u>TH</u>
Maximum gross density per acre	5.0	5.0
Min. Lot Area (in square feet)	4,000	2,500
Max. Lot Area (in square feet)	8,000	8,000
Min. Lot Width at Building Area (in feet)	40'	25'
Min. Front Yard Setback (in feet)		
Fronting Arterial Road	50'	50'
Fronting Major Collector	30'	30'
Fronting Minor Collector	20'	20'
Fronting Local Road	15'	15'
Min. Side Yard Setback (in feet-interior)	5'	0'
Min. Side Yard Setback (in feet-exterior)	10'	10'
Min. Rear Yard Setback (in feet)	20'	5'
Max. First Floor Area	N/A	N/A
Max. Impervious Surface Ratio (ISR)	0.15*	N/A
Max. Building Height (in feet)	35'	35'
Minimum Green Space Required	10%	10%
Maximum Block Length for Subdivisions	600'	600'
* Only applies to non-residential buildings in these residential zones. Accessory residential buildings shall not exceed 750 square feet.		

SECTION 2:

Article 2.2.4 is amended to add the following sections and shall read as follows:

The Town may, upon proper application, approve a UR Planned Development (URPD) for a site of at least five acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives.

- Create a variety of housing compatible with the surrounding area that provides a greater choice of types of units for senior citizens and other residents.
- Provides for environmental design in the development of land that is of

higher quality than is possible under existing regulations otherwise applicable to the property.

- Provides safe and efficient traffic circulation, both within and adjacent to the development site.
- Diversification in the use permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
- Functional and beneficial uses of open space
- Preserve the natural features of a site.
- Create a safe and desirable living environment for residential areas characterized by a unified building and site development program.

- A. UR Planned Developments (URPDs) are allowed only in the Urban Residential zoning district.
- B. UR Planned Development may be constructed subject to the standards and procedures as outlined below.

1. Steps in the Approval Process.

- a. The applicant requests a pre-application conference with the town staff to evaluate the proposal and to determine or clarify any issues that may arise.
- b. The applicant shall submit a concept plan and rezoning request if applicable to the town for the Planning Commission's consideration along with any required fees.
- c. The Planning Commission may approve or reject the concept plan or rezoning request. If approved, the Planning Commission shall recommend approval of the plan and any rezoning to the Board of Mayor and Aldermen. If rejected by the Planning Commission, the applicant may appeal the decision to the Board of Mayor and Aldermen.
- d. The Board of Mayor and Aldermen may approve, approve with conditions or reject the request. If rejected, a similar application shall not be resubmitted for a period of one (1) year.
- e. After approval of the concept plan, the applicant shall submit a final plan for the Planning Commission's consideration. A landscape plan shall be jointly prepared by a licensed landscape architect and a licensed civil engineer. A stamped drawing or plan shall be submitted with a final plan. If any part of the URPD is to be subdivided, a preliminary subdivision plan shall also be submitted. Both documents may be considered simultaneously. Approval of the final plan shall form the basis for all permits, variances and standards for the URPD.
- f. Prior to the subdivision of property and sale or transfer of any property, the applicant shall submit, have approved and

record a final subdivision plan.

2. Application for Approval of the Concept Plan.

The application for approval of a concept plan shall be made by the landowner of the affected property or the authorized agent, including parties with an identified legal position in the property, and shall consist of the following:

a. The concept plan for the URPD shall be a general plan that shall include the following:

- (1) The location and size of the land area involved;
- (2) All public and private streets, driveways, alleys, bikeways, pedestrian ways and sidewalks. All streets and proposed streets within 200 feet of the boundary of the URPD.
- (3) Location and approximate dimension of structures including approximate height, bulk and appearance and the use of all structures;
- (4) Tabular Data:
Total site area in acres, acres of different uses if mixed development
Total single family lots
Total attached units
Proposed use
Required and proposed density; density for each segment if mixed use development
Area of required and proposed open space
Number of required and proposed parking spaces
Minimum lot size
- (5) Location of any proposed public uses including schools and parks and any common open space;
- (6) Major landscape features includes floodplains, slopes in excess of fifteen (15) percent, other features that may affect the development and topography at no less than five (5) foot intervals;
- (7) Letter of availability requirement from the appropriate water and sewer provider. Letters of availability will be required in the application for final approval.
- (8) If the URPD is to be done in phases, such phase line shall be indicated;
- (9) The general means of providing utilities and disposing of storm water, and;
- (10) North arrow, graphic scale and general location map showing area streets and major waterways.

- b. The nature of the applicant's interest in the land and written concurrence from all parties having a beneficial interest in the affected property.
- c. The general substance of covenants, restrictions and grants of easements to be imposed upon the land, building and other structures including public utility and drainage easements.
- d. A development schedule, setting forth when the developer/landowner intends to commence construction and an estimated completion period.
- e. A general summary explaining the character, intent and qualities of the URPD and the manner in which the proposal complements or is consistent with local goals and plans.

3. Application for Approval of the Final URPD Plan.

After approval of the concept plan and any requested rezoning, the applicant shall apply for the final URPD plan approval. Failure to apply for approval of a final plan within one (1) year of approval of the concept plan shall result in the expiration of such approval. The concept plan or an amended plan may be re-submitted.

- a. The application for a final URPD plan shall include all aspects of the concept plan application, the proposed final URPD plan, other required drawings, specifications, covenants, easements, and conditions and any bonds that may have been required by the Planning Commission or the Board of Mayor and Aldermen. Copies of all legal documents required for the dedication or reservation of common open space or common elements and for the creation of a non-profit property owners association shall also be submitted. Prior to the signing of the final plat, the property owners association shall be officially established, and all properties covered by the plat and the final URPD plan shall be legally a part of the association.
- b. The final URPD plan of a UR Planned Development, or as submitted in phases if so authorized, shall be substantially consistent with the approved concept plan and shall show the following:
 - (1) Detailed building plans showing front, side and rear elevations including materials to be used and the percentage of each material used on each elevation;
 - (2) Detailed landscaping plans which shall include trees, shrubs and flowering plants with species, quantities and sizes clearly indicated;
 - (3) Location of all utilities and drainage facilities with drainage calculations;

- (4) Details and locations of all signs and entrance features;
 - (5) Detailed plans for street and parking improvements;
 - (6) Grading plans showing existing and proposed topography with contour intervals at no more than two (2) feet;
 - (7) Additional information as determined by the Planning Commission to indicate fully the ultimate character, operation and appearance of the URPD.
4. Amendments to the URPD.

The terms, conditions and the final URPD plan may be amended but only by official action of the Planning Commission. Any such information must remain in compliance with all applicable zoning regulations. The amendment may be approved so long as the original intent of the URPD is not abrogated and the amendment does not in any way damage any part of the URPD nor any adjoining properties.
5. Cancellation of an Approved UR Planned Development in the event actual construction has not commenced within one (1) year after the date of approval of the UR Planned Development, the planning commission shall conduct a hearing on the project. Official notice of the hearing shall be given to all parties of interest. The hearing shall be for the purpose of examining the continued feasibility of the project and may allow for testimony to support or refute the continuation of such project. The planning commission may act to extend approval of the final UR Planned Development plan or may act to cancel said approval.

In the event the approval of the plan is cancelled, the planning commission shall transfer such action to the attention of the mayor and board of aldermen for action to remove the UR Planned Development overlay zone. After action by the mayor and board of aldermen to remove the overlay, the master plan shall be void and have no effect. The base zone district shall remain in effect.

General Standards.

Upon recommendation of the Planning Commission, the Board of Mayor and Aldermen; may approve, approve with conditions or disapprove a request for a UR Planned Development. Any recommendation shall include a finding of fact by the Planning Commission that the proposed URPD is consistent or inconsistent with the following standards and criteria:

- A. An approved water supplier and wastewater treatment and disposal facility have acknowledged in writing that facilities are available and adequate to serve the proposed development. Storm water drainage facilities shall also

- be required to be provided by the developer.
- B. The location, and arrangement of the structures, parking areas, walks, lighting and other facilities shall be compatible with the surrounding land uses and any part of the proposed project that is not used for development shall be designated as open space and maintained in a uniform manner with preservation of natural features as a priority.
 - C. The proposed development as presented in a phased plan, can be constructed in a manner that will not injure or damage the use, value and enjoyment of surrounding properties nor hinder the development of adjacent property in accordance with the development policies and plans of the Town.
 - D. Any modification of the zoning or other regulations that would be otherwise applicable to the proposed development and are warranted based on the concept plan may be permitted, however, no modification may be permitted that would harm the public health, safety and welfare of the citizens of the Town.
 - E. A property owners association shall be required to be formulated and be held responsible for the maintenance and compliance of the open spaces areas and facilities.

SECTION 3:

Article 2.2.10(A) is amended under the section Relationship between Planned Unit Development and the underlying zoning districts as follows:

Delete the section that reads:

1. Planned Unit Developments (PUD) are allowed in all zoning districts except the Village and Village Fringe districts.

Replace the deleted sentence with the following provision:

1. Planned Unit Developments (PUD) are allowed in all zoning districts except Village, Village Fringe, and Urban Residential district.

SECTION 4:

The provisions contained herein shall be incorporated in the zoning ordinance #04-09, as amended, which ordinance shall now be designated as ordinance #04-09. The adoption of this ordinance is the adoption of the entire zoning ordinance as modified and amended by this ordinance and the Zoning Ordinance shall hereinafter be referred to as ordinance #04-09.

SECTION 5:

The Mayor and Board of Aldermen of the Town of Nolensville, Tennessee, hereby certify that these amendments have been submitted by the Planning Commission of the Town of Nolensville, and a notice of hearing thereof has been ordered has been ordered of the time and place of said meeting has been published in a newspaper circulated in the Town of Nolensville, Tennessee. This Ordinance shall take effect immediately from the date of its final passage, the public welfare demanding it.

Charles F. Knapper, Mayor

Attest: _____
Town Recorder

Approved by: _____
Town Attorney

Passed 1st Reading: _____

Passed 2nd Reading: _____

Public Hearing: _____